REMARKS

The Office Action mailed on September 15, 2009 has been reviewed and carefully considered. Claims 3 and 12 have been amended. Claims 4 and 13 remain canceled without prejudice. Claims 1-3, 5-12 and 14-21 are pending in this application. No new matter has been added. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

The Applicants note with appreciation the interview conducted between the Examiner and David Zivan, Reg. No. 59, 159, on January 7, 2010. Details of the interview are provided below with reference to particular rejections of the claims.

Claim Rejections 35 U.S.C. §103(a)

Claims 1-3, 5-12 and 14-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,632,992 to Hasegawa (hereinafter 'Hasegawa') in view of U.S. Patent No. 6,694,316 to Langseth et al. (hereinafter 'Langseth') in further view of U.S. Publication No. 2001/0054181 (hereinafter 'Corvin").

Claim 1 of the present application recites, inter alia: "wherein the play back apparatus is configured to automatically replay said advertising block in response to receiving a user-command to institute a trick play operation for scanning through a time segment of the media file that is adjacent to said advertising block."

As noted in the previous Response to the Office Action of April 3, 2009, Hasegawa and/or Langseth fail to disclose or render obvious automatically replaying an advertising block in response to a user-command to scan through a time segment of a media file that this adjacent to the

advertising block. The most recent Office Action cites para. 28 of Corvin as teaching this feature of claim 1. However, it is respectfully submitted that Corvin fails to cure the deficiencies of Hasegawa and Langseth. As the Examiner agreed in the interview conducted on January 7, 2010, paras. 24 and 28 of Corvin fail to teach the feature of automatically replaying an advertising block in response to receiving a user-command to institute a trick play operation for scanning through a time segment of a media file that is adjacent to said advertising block. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

For clarification purposes and completeness of the record, it should be noted that although it was agreed that paragraphs 24 and 28 of Corvin do not teach the above-quoted features of claim 1, the broad interpretation of claim 1 provided in the Examiner's interview summary dated January 11, 2010 was presented by the Examiner but was not agreed upon.

With regard to claim 3, claim 3 recites, inter alia:

> defining a plurality of predetermined media types based upon an advertising scheme associated therewith, wherein each media type is associated with one of a plurality of different, forced advertising playback modes;
>
> valuing each of said plurality of predetermined media types in accordance with said advertising scheme, wherein each of said media types and corresponding forced advertising playback modes is associated with a different discount price for consumer purchase;

As noted in the previous Response to the Office Action of April 3, 2009, neither Hasegawa nor Langseth discloses or renders obvious applying a plurality of different, forced playback modes. In support of the rejection of claims 3 and 12, the Office Action cites Corvin as teaching the use of different, forced playback modes. However, as the Examiner agreed in the interview conducted on January 7, 2010, Corvin does not disclose associating meadia types and corresponding forced

advertising playback modes with a different discount price for consumer purchase. Moreover, it is respectfully submitted that Hasegawa and/or Langseth also do not teach or render obvious associating different forced playback modes with different consumer discount prices, as neither references even uses different forced playback modes. Accordingly, withdrawal of the rejection is respectfully requested. Further, withdrawal of the rejection of claim 12 is also respectfully requested, as claim 12 includes similar, relevant features discussed above with regard to claim 3.

Thus, for at least the reasons discussed above, claims 1, 3 and 12 are patentable over Hasegawa, Langseth and/or Corvin. In addition, claims 2, 5-11 and 14-21 are patentable over the cited references due at least to their respective dependencies from claims 1, 3 and 12.

Conclusion

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of September 15, 2009 be withdrawn, that pending claims 1-3, 4-12 and 14-21 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

The Office is authorized to charge applicant's representatives Deposit Account No. 50-1433 in the amount of $65.00 to cover a one (1) month Extension of Time for a Small Entity.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,
Kenneth Nelson

By : _____
David Zivan, Esq.
Reg. No. 59,159

Dated: January 13, 2010

TUTUNJIAN & BITETTO, P.C.
20 Crossways Park North, Suite 210
Woodbury, New York 11797
Tel: (516) 496-3868
Fax: (516) 496-3869